

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Claim 5 was rejected under 35 USC 103 as being unpatentable over the combination of the newly cited patent to Yoshioka (U.S. Patent 6,914,634) and the previously cited patent to Nagano (U.S. Patent 6,952,233).

By this amendment, claim 5 is amended to distinguish over the combination of Yoshioka and Nagano.

The Examiner relied upon Yoshioka, *inter alia*, for its alleged teaching of an electro-chromic device “for adjusting an amount of infrared electromagnetic wave to be transmitted therethrough.” See page 3 of the Final Office Action under reply. However, it is respectfully submitted, the electro-chromic device of Yoshioka actually is a liquid crystal semi-transparent mirror that has variable transmittance to visible light. There is no suggestion in Yoshioka that this semi-transparent mirror is an infrared adjuster “having a transmittance to infrared wavelengths electrically controlled to adjust an amount of infrared electromagnetic wave to be transmitted therethrough,” as particularly recited by claim 5. It is respectfully argued that, to attribute infrared transmittance, or sensitivity to this reference, is speculative and not supported by the clear teachings of Yoshioka. Yoshioka simply does not discuss infrared sensitivity or infrared transmittance. The fact that Yoshioka’s semi-transparent mirror may adjust the amount of visible light that passes through it does not lead to the conclusion that this very same mirror adjusts the amount of infrared electromagnetic wave transmitted through the mirror.

Nagano was relied upon for its description of a movable lens barrel. But, Nagano does not cure the aforementioned deficiency of Yoshioka. Nagano does not describe an infrared adjuster

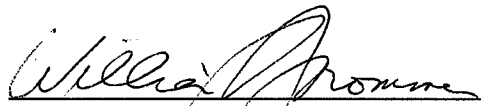
having a transmittance to infrared wavelengths that is electrically controlled to adjust the amount of infrared electromagnetic waves that are transmitted therethrough, as recited by Applicant's claim 5.

Therefore, in view of the significant and unobvious differences between Applicant's claim 5 and the cumulative teachings of Yoshioka and Nagano, and further in view of the fact that, even when Nagano is added to Yoshioka, the resultant combination still is not suggestive of the infrared electro-chromic device defined by claim 5, the withdrawal of the rejection of this claim is respectfully solicited.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800